


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant's attorney inadvertently did not file the Answer and he apologizes to the Board for the unnecessary burden he imposed on the Board. However, as noted in the attached Answer Applicant disagrees with most of the allegations in the Notice of Opposition and all of its legal conclusions. Therefore, it is appropriate for this Opposition to be decided on the merits.

Accordingly, for good cause shown, Applicant respectfully requests that its Motion be granted, that its Answer be accepted for filing and that the Notice of Default be set aside. This request is consistent with the relief provided in Fed. R. Civ. P. 55.

Respectfully submitted,

DATE: August 21, 2009



Stephen M. Trattner
Law Offices of Stephen Trattner
4626 Wisconsin Avenue, N.W.
Suite 300
Washington, DC 20016
(410) 353-0446

Attorney for Applicant

CERTIFICATE OF SERVICE BY FIRST CLASS MAIL

It is hereby certified that a true copy and a duplicate copy of the foregoing Motion To Set Aside Notice of Default has been served on Opposer John E. Sylvester, Jr. by first class mail postage prepaid to Teresa C. Tucker, Attorney for Opposer, Grossman, Tucker, Perreault & Pflieger, PLLC, 55 South Commercial Street, Manchester, New Hampshire 03101 this 21st day of August, 2009.



Stephen M. Trattner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In Re Trademark Appln.)
Serial No. 76/690741)

Filed: June 23, 2008)

Published in the Official Gazette)
of February 24, 2009)

Mark: BRETTON WOODS)

Classes: INT. 41 AND 43)

JOHN E. SYLVESTER, JR.)
)
Opposer,)
)
VS.)
)
)
CNL INCOME BRETTON WOODS, LLC)
Applicant.)
)
)

Opposition No. 91190748

ANSWER TO NOTICE OF OPPOSITION

Applicant, CNL Income Bretton Woods, LLC, by and through its Attorney, hereby
Answers the Notice of Opposition.

1. Applicant denies the averments of Paragraph 1 of the Notice of Opposition,
except admits that Bretton Woods in an unincorporated area within the Town of
Carroll, the US Post office has used the term Bretton Woods for an area and has
given that area a unique zip code 03575.

2. Applicant admits the averments in Paragraph 2, except denies the averment that Bretton Woods is a geographical term, and avers that the Conference was held in the unincorporated area called Bretton Woods.
3. Applicant admits the averments of Paragraph 3 of the Notice of Opposition, except for the first sentence since it is ambiguous in the context of this matter and therefore it denies the same; and avers on information and belief Applicant's predecessors-in- interest were the first entities to use the term "Bretton Woods" to identify the source of services that are contained in App. Ser. No. 76/690741.
4. Applicant is without information and belief and therefore denies the averments of Paragraph 4 of the Notice of Opposition, except on information and belief admits that Opposer at one time owned a parcel of land abutting land owned by Applicant.
5. Applicant denies the averments of Paragraph 5 of the Notice of Opposition because they are ambiguous, except admits that people and entities use Bretton Woods along with the Zip Code assigned to that term by the US Post Office as their mailing address.
6. Applicant is without information or belief as to the first sentence and therefore denies the same and denies the balance of the averments of Paragraph 6 of the Notice of Opposition.
7. Applicant admits the averments of Paragraph 7 of the Notice of Opposition.
8. Applicant denies the first sentence of the averments of Paragraph 8 of the Notice of Opposition; admits the second sentence with respect to its use and its

predecessors-in-interest use; and is without information or belief as to the remaining averments, which are in part ambiguous and therefore denies the same; and avers that on information and belief the Bretton Woods services contained in App. Ser. No. 76/690741 have never been halted by bankruptcy or foreclosure at any time when either it or its predecessors-in interest were providing those services.

9. Applicant denies the averments of Paragraph 9 of the Notice of Opposition, except admits that a few businesses use Bretton Woods in their mailing address to designate where they are located.
10. Applicant denies the averments of Paragraph 10 of the Notice of Opposition.
11. Applicant denies the averments of Paragraph 11 of the Notice of Opposition.
12. Applicant admits the averments of Paragraph 12 of the Notice of Opposition.
13. Applicant admits the first sentence of the averments of Paragraph 13 of the Notice of Opposition; denies the second sentence in the context of the application which expressly referred to the years of use since 1972 based on predecessors' in interest use, and denies the third sentence.
14. Applicant denies the averments of Paragraph 14 of the Notice of Opposition.
15. Applicant denies the averments of Paragraph 15 of the Notice of Opposition.
16. Applicant denies the averments of Paragraph 16 of the Notice of Opposition.
17. Applicant denies the averments of Paragraph 17 of the Notice of Opposition.
18. Applicant denies the averments of Paragraph 18 of the Notice of Opposition.
19. Applicant denies the averments of Paragraph 19 of the Notice of Opposition.

AFFIRMATIVE DEFENSE

FIRST AFFIRMATIVE DEFENSE

The Notice of Opposition fails to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Opposer is barred by estoppel.

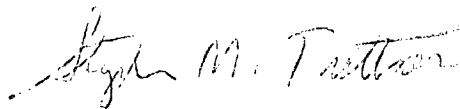
THIRD AFFIRMATIVE DEFENSE

Applicant states that it intends to rely upon such other and further defenses as may become available or apparent during proceedings in this case and hereby reserves the right to amend its Answer to assert such defenses.

WHEREFORE, Applicant prays:

1. That the Notice of Opposition be dismissed with prejudice;
2. That such other further relief be granted Applicant as may be deemed appropriate by the Trademark Trial and Appeal Board, including without limitation a direction to the U.S. Trademark Office to issue federal service mark registration on the Principal Registration to Applicant for the services contained in the Notice of Publication for App. Ser. No. 76/690741.

Respectfully submitted,



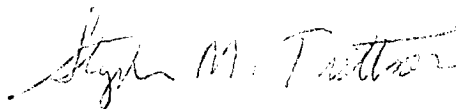
DATE: August 2, 2009

Stephen M. Trattner
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Attorney for Applicant

CERTIFICATE OF SERVICE BY E-MAIL

It is hereby certified that a true copy and a duplicate copy of the foregoing Answer to Notice of Opposition has been served on Opposer John E. Sylvester, Jr. by e-mail to Teresa C. Tucker, Attorney for Opposer, Grossman, Tucker, Perreault & Pfleger, PLLC, 55 South Commercial Street, Manchester, New Hampshire 03101 this 2nd day of August, 2009.



Stephen M. Trattner